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Attorneys for Defendant New York Jets LLC
AS-7203

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ERIN HENDERSON,

Plaintiff,

Civil Action No: _____

vs.

NEW YORK JETS LLC,

Defendant.

NOTICE OF REMOVAL

Defendant New York Jets LLC (the “Defendant”) files this notice, pursuant to 28 U.S.C. §§ 1441 and 1446, to remove an action pending against it in the Superior Court of New Jersey, Law Division, Morris County. In support of removal, Defendant states as follows:

1. Pursuant to Local Rule 10.1(a), Defendant’s address is 1 Jets Drive, Florham Park, NJ 07932. The current address of plaintiff Erin Henderson (“Plaintiff”) is unknown to Defendant at this time, but, on information and belief, Plaintiff is currently residing in Maryland. Plaintiff’s counsel’s address is Lawrence N. Lavigne, Lawrence N. Lavigne, Esq., LLC, 2444 Morris Ave, Suite 206, Union NJ 07083-5918. On information and belief, at one time, Plaintiff had an address at 751 N. Genesee Avenue, Los Angeles, CA 90046.

2. On or about September 29, 2017, a Complaint was filed by Plaintiff against the Defendant in the Superior Court of New Jersey, Law Division, Morris County. That action is docketed as MRS-L-2090-17.

3. On September 29, 2017, the Complaint, a Summons, and a Civil Cover Sheet were served on Defendant. By letter dated October 3, 2017, Plaintiff's counsel sent Defendant a Track Assignment Notice.

4. Exhibit A consists of copies of all process, pleadings, and orders served upon Defendant in this action, including the Complaint, Summons, and Civil Cover Sheet, as well as the Track Assignment Notice and cover letter.

5. This notice of removal is timely. It is being filed within 30 days after the receipt by Defendant through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which this action is based, as calculated pursuant to Fed. R. Civ. P. 6(a)(1)(C). The thirtieth day after service of the Summons and Complaint was Sunday, October 29, 2017, so the time period for filing this notice of removal continues until the end of the following day, Monday, October 30, 2017. See Fed. R. Civ. P. 6(a)(1)(C).

6. This action is one over which this Court has original diversity jurisdiction under 28 U.S.C. § 1332(a). It is removable to this Court pursuant to 28 U.S.C. §§1441(a) and 1441(b) because the matter in controversy exceeds \$75,000, exclusive of interest and costs, and because the action is one between citizens of different states. See 28 U.S.C. § 1332(a)(1).

7. As alleged in paragraph 2 of the Complaint, Plaintiff "was and still is a citizen of the State of Minnesota."

8. Defendant is a limited liability company. Because it is a limited liability company, its citizenship for purposes of 28 U.S.C. § 1332 is determined by the citizenship of its members. Zambelli Fireworks Mfg. Co. v. Wood, 592 F.3d 412, 418 (3d Cir. 2010). The following information regarding the citizenship of Defendants' members is applicable now and was applicable at the time the complaint was filed.

9. The sole member of New York Jets LLC is New York Jets Holdings LLC.

Because New York Jets Holdings LLC is a limited liability company, its citizenship is determined by the citizenship of its members.

10. The members of New York Jets Holdings LLC are:

- Christopher W. Johnson
- Robert W. Johnson IV
- No. W201, Robert W. Johnson IV 2012 GST Trust
- No. W208A, Robert W. Johnson IV J&E Trust
- No. W208B, Robert W. Johnson IV R&J Trust
- No. C301, Christopher W. Johnson 2012 GST Trust
- ETrees, L.P.

11. Christopher W. Johnson is a citizen of New York for purposes of diversity jurisdiction.

12. Robert W. Johnson IV is a citizen of New York for purposes of diversity jurisdiction.

13. The citizenship of a trust is determined either by the citizenship of the trustees and the beneficiaries or by the citizenship of only the trustees. In Emerald Investors Trust v. Gaunt Parsippany Partners, 492 F.3d 192 (3d Cir. 2007), the Third Circuit held that the citizenship of a trust is determined by the citizenship of the trustees and the beneficiaries. Several courts have recently held that, in light of the 2016 decision of the United States Supreme Court in Americold Realty Trust v. Conagra Foods, Inc., 136 S. Ct. 1012 (2016), the citizenship of a trust that cannot sue or be sued in its own name under state law is determined by the citizenship of the trustees only. See, e.g., Raymond Loubier Irrevocable Trust v. Loubier, 858 F.3d 719 (2d Cir. 2017); Wang ex rel. Wong v. New Mighty U.S. Trust, 843 F.3d 487 (D.C. Cir. 2016). Defendant

asserts that the citizenship of the trusts involved in Defendant's ownership structure should be determined by the citizenship of the trustees only, not the citizenship of the beneficiaries. However, this Notice of Removal states the citizenship of the trustees and the beneficiaries of the trusts involved in Defendant's ownership structure and demonstrates that complete diversity of citizenship exists whether the citizenship of the trusts is determined by the citizenship of the trustees only or by the test stated in Emerald Investors, 492 F.3d 192, considering the citizenship of the trustees and the beneficiaries.

14. The trustees, beneficiaries, and settlors (as applicable) of the trusts that are members of New York Jets Holdings LLC and their citizenship for purposes of diversity jurisdiction are as follows:

Trust	Trustees and Beneficiaries (and Citizenship)
No. W201, Robert W. Johnson IV 2012 GST Trust	Christopher Wold Johnson, Trustee (New York) Robert Wood Johnson IV, Settlor (New York)
No. W208A, Robert W. Johnson IV J&E Trust	Christopher Wold Johnson, Trustee (New York) Jaime Alan Ross Johnson, Beneficiary (New York) Elizabeth Wood Johnson, Beneficiary (New York)
No. W208B, Robert W. Johnson IV R&J Trust	Christopher Wold Johnson, Trustee (New York) Robert Wood Johnson V, Beneficiary (New York) Jack Wood Johnson, Beneficiary (New York)
No. C301, Christopher W. Johnson 2012 GST Trust	Ira Akselrad, Trustee (New York) Christopher Wold Johnson, Settlor (New York)

15. ETrees, L.P. is a limited partnership. Its citizenship is determined by the citizenship of its partners. Carden v. Arkoma Associates, 494 U.S. 185 (1990).

16. All of the partners of ETrees, L.P. are:

- Elizabeth Ross Johnson's Revocable Trust

- No. 224, Elizabeth Ross Johnson Whitall 2010 Trust
- No. 225, John Lansing Johnson Teal 2010 Trust
- No. 226, Annabel Ross Johnson Teal 2010 Trust
- No. 227, Oliver James Johnson Kennan 2010 Trust
- No. 228, Rath Chan 2010 Trust

17. The trustees and beneficiaries of the trusts that are partners in ETrees, L.P. and their citizenship for purposes of diversity jurisdiction are as follows:

Trust	Trustees and Beneficiaries (and Citizenship)
Elizabeth Ross Johnson's Revocable Trust	Christopher Wold Johnson, Trustee (New York) Annabel Ross Johnson Teal, Trustee (California) Elizabeth Ross Johnson Whitall, Beneficiary (California) John Lansing Johnson Teal, Beneficiary (New York) Annabel Ross Johnson Teal, Beneficiary (California) Oliver James Johnson Kennan, Beneficiary (New York) Rath Chan, Beneficiary (New York)
No. 224, Elizabeth Ross Johnson Whitall 2010 Trust	Christopher Wold Johnson, Trustee (New York) Elizabeth Ross Johnson Whitall, Beneficiary (California)
No. 225, John Lansing Johnson Teal 2010 Trust	Christopher Wold Johnson, Trustee (New York) John Lansing Johnson Teal, Beneficiary (New York)
No. 226, Annabel Ross Johnson Teal 2010 Trust	Christopher Wold Johnson, Trustee (New York) Annabel Ross Johnson Teal, Beneficiary (California)
No. 227, Oliver James Johnson Kennan 2010 Trust	Christopher Wold Johnson, Trustee (New York) Oliver James Johnson Kennan, Beneficiary (New York)
No. 228, Rath Chan 2010 Trust	Christopher Wold Johnson, Trustee (New York) Rath Chan, Beneficiary (New York)

18. Therefore, Defendant is a citizen of New York and California for purposes of diversity jurisdiction. As stated above, Plaintiff is a citizen of Minnesota.

19. Accordingly, complete diversity of citizenship exists, and Defendant is not a citizen of New Jersey for purposes of diversity jurisdiction.

20. The amount in controversy exceeds \$75,000, exclusive of interest and costs. Defendant owns and operates the New York Jets football team. Plaintiff was a player on the New York Jets football team and had a contract with Defendant. The Complaint alleges that Defendant placed Plaintiff on the Non-Football Injury list, which “deprived plaintiff of income of \$580,781.00 for the remaining games of the 2016 season” and that Defendant declined Plaintiff’s option for the 2017 football season, for which he allegedly was to be paid \$2,250,000. Complaint, ¶¶ 17-23, 35. The Complaint alleges that placing Plaintiff on the Non-Football Injury list violated the New Jersey Law Against Discrimination and resulted in Plaintiff not being paid “\$2,500,000.00 for the 2017 season, \$250,000.00 roster bonus and \$580,781.00 remaining 2016 salary.” Complaint, ¶ 35. The Complaint also alleges that Defendant committed the torts of “False Light and Damage to Reputation and Career” and intentional infliction of emotional distress arising out of the same alleged conduct. The Complaint seeks compensatory and punitive damages pursuant to the New Jersey Law Against Discrimination and for the alleged common law torts, as well as attorneys’ fees pursuant to the Law Against Discrimination.

21. Thus, the amount in controversy on Plaintiff’s claims exceeds the sum or value of \$75,000, exclusive of interest and costs, and the Court has diversity jurisdiction over all of the claims asserted in the Complaint.

22. The United States District Court for the District of New Jersey is the federal court for the district and division embracing Morris County, New Jersey. 28 U.S.C. § 110.

23. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the Superior Court of New Jersey, Law Division, Morris County.

WHEREFORE, Defendant respectfully requests that this action be removed from the Superior Court of New Jersey, Law Division, Morris County, to the United States District Court for the District of New Jersey.

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(973) 622-4444
Attorneys for Defendant
New York Jets LLC

By: /s/Adam N. Saravay
Adam N. Saravay

Dated: October 30, 2017

CERTIFICATE OF SERVICE

Adam N. Saravay, of full age, hereby certifies as follows:

Today I caused a true and correct copy of the foregoing Notice of Removal to be sent by first class mail to counsel for the plaintiff:

Lawrence N. Lavigne, Esq.
Lawrence N. Lavigne, Esq. LLC
2444 Morris Avenue, Suite 206
Union, NJ 07083

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: /s/Adam N. Saravay
Adam N. Saravay

Dated: October 30, 2017

EXHIBIT A